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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,403	03/08/2004	Michelle Allen	50108-181	9023

20277   7590   06/09/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
TAKELE, MESEKER

ART UNIT	PAPER NUMBER
2175	

NOTIFICATION DATE	DELIVERY MODE
06/09/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mweipdocket@mwe.com

	Application No.	Applicant(s)
Office Action Summary	10/796,403	ALLEN ET AL.
	Examiner	Art Unit	
	MESEKER TAKELE	2175	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *09 March 2011*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *74,75 and 77-87* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *74,75 and 77-87* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 74-75, 77-87 are pending in this application. Claim 74 is independent

claims. Claims 1- 73 and 76 are canceled and Claims 81-86 are amended.

2.   The text of those sections of Title 35, U.S. Code not included in this action can be

found in a prior Office action. This action made Final.

Claim Rejections - 35 USC § 103

3.   *Claims 74-75, 77-87 are rejected under 35 U.S.C. 103(a) as being unpatentable*

over Venturino (US Pub No.: 2004/0051741) in view of Anderson et al. ("Anderson"

US Patent No.: 4,291,198, applicant IDS) and in further in view of McZeal, Jr.

("McZeal " US Patent No.: 6,763,226) and Gardner (US Pub No.: 2005/0076312) .

        <u>As to claim 74,</u> Venturino discloses a cellularly communicative device (such as,

digital camera, Figure 2) comprising: electronic circuitry that allows the cellularly

communicative electronic device to operate over a cellular network (such as, cell phones,

paragraph [0012]); a display (such as, LCD 78, paragraph [0017]).

        However Venturino does not explicitly discloses

        a keypad, including a plurality of alpha or numeric keys and a dynamically

assignable function key, wherein the dynamically assignable function key is not one of the

alpha or numeric keys of the keypad.

        Anderson from the similar field of endeavor discloses

a keypad (such as, the station set includes several different types of keys collectively designated as a keypad, *col., 3 lines, 21-22) including a plurality of alpha or numeric keys (such as,* alphanumeric, col. 2 line 39) *and a dynamically assignable function key (such as, function keys, Figure 2 (element 23), wherein the dynamically assignable function key is not one of the alpha or numeric keys of the keypad (such as, function keys, Figure 2 (element 23).*

(b) a key assignment area displaying a function of the cellularly communicative device associated with the selected choice, dynamically assigned to the function key of the cellularly communicative device key (such as, function keys, Figure 2 (element 23),

It would have been obvious to one of ordinary skill in the art to modify Venturino's teaching with the teaching of Anderson to provide a telephone user with a convenient, single instrument having audio and text transmission and reception facilities such as are necessary for utilizing a telephone communication network to provide subscriber access to computer-based services.

Venturino further discloses a processor and an interface manager executing in the System processor which configures the cellularly communicative electronic device (such as, control interface processor 62, paragraph [0013]): to implement:

(1) a first process thread, involving displaying a first screen on the display, the first screen concurrently (such as, displaying on said display a menu of user selectable options; first user activated means for sequentially navigating through said displayed menu of user selectable options , paragraph [0005])comprising:

(a) a first level menu providing a plurality of functional groupings for user selection, on a first area of the displayed first screen (such as, displaying on said display a

menu of user selectable options; first user activated means for sequentially navigating

through said displayed menu of user selectable options , paragraph [0005]), wherein:

      each of the functional groupings represents a different group of cellular device

functions offered by the cellularly communicative electronic device (such as, digital

camera 30 includes a housing 200 having a back panel 202 including image LCD 78,

digital status LCD 82 and digital buttons 84-102. Back panel 202 also includes a

viewfinder 204 and other camera controls (not described). Digital buttons 84-102 include

menu button 84, navigate button 86, hotkey button 88, digital status button 90, OK button

92, cancel button 94, delete button 96, tag/record button 100 and 4-way switch 102

having top (12 o'clock) position 104, right side (3 o'clock) position 106, bottom (6

o'clock) position 108, and left side (9 o'clock) position 110, paragraph [0020].

      However Venturino in view of Anderson do not explicitly discloses *the cellular*

device functional groupings displayed in the first level menu include call messaging,

contacts list, obtaining device services, recent calls, and settings and tools.

      McZeal from the similar field of endeavor discloses *the cellular device functional*

groupings displayed in the first level menu include call messaging, contacts list,

obtaining device services, recent calls, and settings and tools (such as, contact,

messages, chat, fax, email and IM, Figure 18 and Figure 20).

      It would have been obvious to one of ordinary skill in the art to modify

Venturino's, and Anderson teaching with the teaching of McZeal to provide uniformed

global wireless communications, eliminates traditional long distance costs, and operates

anywhere on earth.

Venturino further discloses (b) on a second area of the displayed first screen, a

second level menu of choices for user selection from within a selected one of the

functional groupings of the first level menu (Figure 6, Figure 7, such as, second user

activated means for directly choosing a predetermined one of said options without having

to navigate sequentially through said options, Paragraph [0005]).

However Venturino in view of Anderson and McZeal do not explicitly (2) a

second process thread, responsive to a cursor control input from a user, involving moving

a cursor on the display across at least the second level menu to indicate a selection of one

of the choices on the displayed second level menu ; and

(3) a third process thread, responsive to a user acceptance of the selected one of

the choices, involving displaying a second screen on the display, the second screen

concurrently comprising:

(a) an area containing information relating to the selected choice; and

wherein the processor is programmed to cause the cellularly communicative

device to perform the dynamically assigned function associated with the selected choice,

upon user activation of the function key during the display of the second screen

Gardner from the similar field of endeavor discloses (2) a second process thread,

responsive to a cursor control input from a user, involving moving a cursor on the display

across at least the second level menu to indicate a selection of one of the choices on the

displayed second level menu *(such as, Figure 1 (element 30); and*

(3) a third process thread, responsive to a user acceptance of the selected one of

the choices, involving displaying a second screen on the display, the second screen

concurrently comprising *(paragraph [0018]):*

(a) an area containing information relating to the selected choice *(such as, Figure 1 (element 30)*; and

wherein the processor is programmed to cause the cellularly communicative device to perform the dynamically assigned function associated with the selected choice, upon user activation of the function key during the display of the second screen *(such as, Icon 10 in figure 1, while the "+" symbol is displayed causes the descendant nodes 20a directly under the selected node 20' to display and the multilevel expand/collapse navigation aid also provides an unobtrusive mechanism, in the form of a dynamically generated menu 30, that lets users easily expand or collapse a multilevel hierarchical structure 40 to a specific level of expansion, paragraph [0017]).*

It would have been obvious to one of ordinary skill in the art to modify Venturino's, Anderson and McZeal teachings with the teaching of Gardner to provide a navigation aid that allows a specific branch of a multilevel hierarchical structure to be expanded (or collapsed) multiple display levels with a single action.

As to claim 75, Venturino discloses wherein: the processor is further programmed to implement a fourth process thread, the fourth thread involving presenting to the user on the display a system background display screen, and the background display screen is selectable by the user.

As to claim 77, Venturino discloses wherein the first level menu includes icons visually evocative of the respective functional groupings (paragraph [0078]).

As to claim 78, Venturino discloses wherein the displayed second level menu presents choices arranged in a prescribed order (abstract and paragraph [0005]).

As to claim 79, Venturino discloses wherein the prescribed order is a function of a previous user selection of the one or more of the choices (abstract, paragraph [0005], [0078] and [0123]).

As to claim 80, Venturino discloses wherein the prescribed order is a function of frequency of previous user selections of the one or more of the choices (Paragraph 0199).

Claim 81, is similar in scope to claim 1 respectively, and is therefore rejected under similar rationale. McZeal further disclose the second level menu includes choices selected from the group consisting of: creating a message, voicemail, inbox, outbox, draft messages, e-mail messages and instant messages (abstract, Figure 2 and Figure 11).

Claim 82, is similar in scope to claim 1 respectively, and is therefore rejected under similar rationale. McZeal further disclose the second level menu includes a for-pay service choice (col., 56 lines, 10-15).

Claim 83, is similar in scope to claim 1 respectively, and is therefore rejected under similar rationale. McZeal further disclose the second level menu includes choices selected from the group consisting of: receiving music, receiving games, receiving

pictures, receiving movies, receiving news, and receiving information (col., 56 lines, 10-15).

Claim 84, is similar in scope to claim 1 respectively, and is therefore rejected under similar rationale. McZeal further disclose the second level menu includes choices selected from the group consisting of: new contacts, contacts list, groups, and speed dial (Figure 2, Figure 18 and Figure 25).

Claim 85, is similar in scope to claim 1 respectively, and is therefore rejected under similar rationale. McZeal further disclose the second level menu includes choices selected from the group consisting of: all calls, missed calls, received calls, and numbers called dial (figure 30- Figure 36).

Claim 86, is similar in scope to claim 1 respectively, and is therefore rejected under similar rationale. McZeal further disclose the second level menu includes choices selected from the group consisting of: device tools, device modes, device settings, call settings, system settings, accessories, time settings, and date settings (abstract, Figure 2 and Figure 24).

As to claim 87, Gardner discloses wherein the key assignment area of the second screen displays a plurality of functions dynamically assigned to a plurality of the keys of the keypad (such as Figure 1 (element 10)).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Response to Arguments

5.   Applicant's arguments with respect to the amended claim have been fully

considered but they are not persuasive.

Applicant argues that: (a) Venturino does not expressly disclose a cellularly

communicative device keypad that has alpha or numeric keys; (b) Gardner does not really teach

the recited dynamically assignable function key as part of the device keypad arrangement (c)

Anderson does not meet the actual claim requirement that the displayed first screen includes

both: a first level menu providing a plurality of functional groupings for user selection, on a first

area of the displayed first screen, and a second area of the displayed first screen containing a

second level menu of choices for user selection from within a selected one of the functional

groupings of the first level menu (d) McZeal would not suggest the specifically recited functional

groupings display (e) McZeal does disclose a variety of functions of the cellular device. However,

it is not seen, particularly in the drawings and figures identified in the rejection, where McZeal

discloses a first level menu or the like that displays functional groupings, where each of the displayed functional groupings displayed on the menu "represents a different group of cellular device functions offered by the cellularly communicative electronic device," (f) McZeal does not disclose display of cellular device functional groupings that specifically include the groupings "call messaging, contacts list, obtaining device services, recent calls, and settings and tools," (g) there is no express disclosure or teaching anywhere in the four applied documents of a first screen concurrently comprising a first level menu providing a plurality of selectable functional groupings and a second area displaying a second level menu of choices under a selected grouping, wherein in the first area: each of the functional groupings represents a different group of cellular device functions offered by the cellularly communicative electronic device,

The Examiner disagrees for the following reasons.

As noted in the previous office action, as well as being reiereated in this office action, it is well noted with citations at the end of appropriate limitations Venturino in view of Anderson, McZeal and Gardner teach the limitation of claims 74-75, 77-87. As per the newly amended limitations, the Examiner believes that the teaching of the prior art as applied to the newly amended limitations are also being pointed in the rejection section above.

Venturino discloses a cellularly communicative device (such as, digital camera, Figure 2) comprising: electronic circuitry that allows the cellularly communicative electronic device to operate over a cellular network (such as, cell phones, paragraph [0012]); a display (such as, LCD 78, paragraph [0017]).

Anderson discloses *a keypad (such as,* the station set includes several different types of keys collectively designated as a keypad, *col., 3 lines, 21-22) including a plurality of alpha or numeric keys (such as,* alphanumeric, col. 2 line 39) *and a*

dynamically assignable function key (such as, function keys, Figure 2 (element 23),

wherein the dynamically assignable function key is not one of the alpha or numeric keys

of the keypad (such as, function keys, Figure 2 (element 23).

  (b) a key assignment area displaying a function of the cellularly communicative

device associated with the selected choice, dynamically assigned to the function key of

the cellularly communicative device key (such as, function keys, Figure 2 (element 23),

  Venturino discloses a processor and an interface manager executing in the System

processor which configures the cellularly communicative electronic device (such as,

control interface processor 62, paragraph [0013]): to implement:

  (1) a first process thread, involving displaying a first screen on the display, the

first screen concurrently (such as, displaying on said display a menu of user selectable

options; first user activated means for sequentially navigating through said displayed

menu of user selectable options , paragraph [0005])comprising:

   (a) a first level menu providing a plurality of functional groupings for user

selection, on a first area of the displayed first screen (such as, displaying on said display a

menu of user selectable options; first user activated means for sequentially navigating

through said displayed menu of user selectable options , paragraph [0005]), wherein:

  each of the functional groupings represents a different group of cellular device

functions offered by the cellularly communicative electronic device (such as, digital

camera 30 includes a housing 200 having a back panel 202 including image LCD 78,

digital status LCD 82 and digital buttons 84-102. Back panel 202 also includes a

viewfinder 204 and other camera controls (not described). Digital buttons 84-102 include

menu button 84, navigate button 86, hotkey button 88, digital status button 90, OK button

92, cancel button 94, delete button 96, tag/record button 100 and 4-way switch 102

having top (12 o'clock) position 104, right side (3 o'clock) position 106, bottom (6

o'clock) position 108, and left side (9 o'clock) position 110, paragraph [0020].

McZeal discloses *the cellular device functional groupings displayed in the first*

level menu include call messaging, contacts list, obtaining device services, recent calls,

and settings and tools (such as, contact, messages, chat, fax, email and IM, Figure 18

and Figure 20).

Venturino discloses (b) on a second area of the displayed first screen, a second

level menu of choices for user selection from within a selected one of the functional

groupings of the first level menu (Figure 6, Figure 7, such as, second user activated

means for directly choosing a predetermined one of said options without having to

navigate sequentially through said options, Paragraph [0005]).

Gardner discloses (2) a second process thread, responsive to a cursor control input

from a user, involving moving a cursor on the display across at least the second level

menu to indicate a selection of one of the choices on the displayed second level menu

(such as, Figure 1 (element 30); and

(3) a third process thread, responsive to a user acceptance of the selected one of

the choices, involving displaying a second screen on the display, the second screen

concurrently comprising *(paragraph [0018]):*

(a) an area containing information relating to the selected choice *(such as, Figure*

1 (element 30)); and

wherein the processor is programmed to cause the cellularly communicative

device to perform the dynamically assigned function associated with the selected choice,

upon user activation of the function key during the display of the second screen *(such as,*

Icon 10 in figure 1, while the "+" symbol is displayed causes the descendant nodes 20a

directly under the selected node 20' to display and the multilevel expand/collapse

navigation aid also provides an unobtrusive mechanism, in the form of a dynamically

generated menu 30, that lets users easily expand or collapse a multilevel hierarchical

structure 40 to a specific level of expansion, paragraph [0017]).

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

Inquiry

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MESEKER TAKELE whose telephone number is

(571)270-1653. The examiner can normally be reached on Monday - Friday 7:30AM-
5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, William Bashore can be reached on (571) 272-4088. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
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800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meseker Takele/
Examiner, Art Unit 2175

                                        /WILLIAM L. BASHORE/

                                        Supervisory Patent Examiner, Art Unit 2175